

Report on the Development of a Maine Building Rehabilitation Code

Maine State Planning Office
with assistance from the Maine Building Rehabilitation Code
Advisory Council appointed by
Governor Angus King

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Executive Summary

The State Planning Office and the Maine Building Rehabilitation Code (MBRC) Advisory Council worked for five months to identify policy concerns, begin reviewing and developing building standards, identify possible fiscal incentives, and identify possible conflicting federal, state, and local laws that inhibit renovation projects. All efforts were directed to try to make renovation projects easier and less expensive to accomplish, without compromising health or safety concerns.

The MBRC will be a standard specifically to govern work on and in existing buildings. For municipalities that already have a building code, this new code will provide an alternative to current codes, which are primarily designed for new construction. An MBRC may modify materials or structural requirements to reduce the cost of renovation, without compromising safety. *However, the best way to ensure the use of an MBRC is to create a model building code with a companion rehabilitation code.*

Findings

Cost of Renovation vs. New Construction.

- Anecdotal information shows that renovation can be more complex and sometimes more expensive than new construction in municipalities with building codes.
 - Existing downtown buildings are generally underutilized.
 - When new construction is less complex and/or less expensive than renovation, developers and builders will often opt for new construction.
 - Developers that chose new construction in outlying areas over rehabilitation contribute to sprawl.

Need for Education and Training. Uniformity and predictability in enforcement are noted as two of the most important attributes of a building code. One important way to enhance these attributes is through education and training. However, without a statewide model building code with which to conduct training, training is impractical.

Need for Uniformity. A major concern of developers, architects, and others in the building trades is the variation in building codes from municipality to municipality.

- Approximately 72 municipalities have building codes.
- This represents roughly 53% of the population and the majority of existing buildings in Maine.
- The codes adopted by these municipalities range from the 1961 National Building Code to the 2000 International Building Code.
- Building designers are forced to customize each project to the varying local code, increasing project costs.

The lack of uniformity is contrary to the principle of making rehabilitation easier and less expensive.

Complex problem. The SPO was instructed to develop a rehabilitation code, with the assistance of an Advisory Council. Both the SPO and the Advisory Council have

come to the conclusion that the creation of such a code is a complex undertaking requiring a minimum of an additional year. Creating a code requires:

- examining every technical standard in a MBRC to determine its appropriateness in Maine; and
- coordinating and re-evaluating the numerous existing state laws and rules that regulate construction and rehabilitation, and are seen by many as a major underlying problem; and
- outlining a method of adopting, updating, training, administering, and enforcing the code.

Recommendations

The choice of an MBRC should be part of a larger effort to adopt a model building code. Rehabilitation codes, like the proposed MBRC, are highly dependant on a full building code. The best way to ensure the use of a MBRC is to create a model building code with the MBRC as a companion rehabilitation code.

Reexamine the January 15, 1998, Report on the Desirability and Feasibility of a Model Municipal Building Code. Having a rehabilitation code makes more sense in the context of a model municipal building code. Coordination between a building code and a rehabilitation code is the best way to accomplish an integrated set of building standards that ensure public safety and make developing in a manner that accomplishes both public and private objectives possible. The recommendations of the 1998 report (Appendix A) would greatly increase both uniformity and building safety in the jurisdictions that adopt the models. The best way, and perhaps the only successful way, to create a MBRC is to create it in the context of creating a statewide model building code.

Select an optional model building code and an optional rehabilitation code created by a model code organization. SPO and the Advisory Council recommend that Maine consider a model code created either by the International Code Council or the National Fire Protection Association. Either model code will require some modification to best fit Maine's needs. The choice of which rehabilitation code to use should be based on the model building code chosen. Adopting a MBRC should be part of a larger effort to adopt a statewide model building code.

Absent a mandatory building code, a mandatory rehabilitation code does not make sense. The local adoption of the code should be voluntary, but once a municipality decides to adopt a rehabilitation code, the state model MBRC should be the only model municipalities may adopt. This will accomplish the uniformity between municipalities that is necessary to make rehabilitation projects easier and more economical than new construction.

Create a Code Board to coordinate a model building code and other existing state laws and rules. A Code Board might be a new board, an expanded authority of an

existing board, an ombudsman instead of a full board, or some other format. Further study is necessary to determine which form would best serve Maine. However, it is clear that there needs to be a single entity responsible for model code updates, training, education, interpretation, coordination of other state laws and rules, and possibly appeals functions.

Identify ways to interface a rehabilitation code with current state laws and rules.

State and federal laws and rules must be examined, re-evaluated, and properly harmonized with a MBRC to ensure efficient administration and interpretation.

Create fiscal incentives for municipalities to adopt the code. Fiscal incentives and other enticements for municipalities should be further studied. Fiscal incentives should include:

- Scoring preference for certain Community Development Block Grant programs.
- Scoring preference for Maine Downtown designation through the Downtown Center.
- Preference for funding on school rehabilitation projects through the Department of Education.
- State building location preference by the Bureau of General Services, in conjunction with statute.
- Scoring preference for the Brownfields program through the Department of Environmental Protection.
- Scoring preference for grant from the State Planning Office.
- Preference for Enhancement funding and other bicycle and pedestrian funds from the Department of Transportation.
- Access to funds from the state for training.
- Access to new grants for downtown building rehabilitation.
- Access to a set aside pot of funds in the Municipal Investment Trust Fund for grants or loans to enable downtown projects.

Authorize and fund SPO to follow up on these recommendations. The work necessary to complete this project is estimated to take at least an additional year. The work for this first five months was funded with existing resources, but additional work to complete the project will require additional funding.